

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

JAMES SEABA and,  
CORY PHILLIPS,

Plaintiffs,

vs.

No. CIV 02-0103 LH/WWD

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

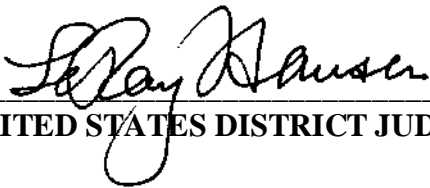
**ORDER**

**THIS MATTER** comes before the Court on the Plaintiffs' request by letter that the deadline for filing a supplement to their Response to the Defendant's Motion for Summary Judgment be temporarily suspended. The Court has been informed that the parties are close to settling this matter out of court, and finds that the briefing deadlines should be suspended in order to facilitate a settlement.

**IT IS, THEREFORE, ORDERED** that the briefing deadlines announced in this Court's Order of September 11, 2003, are hereby suspended for thirty days. Should the parties fail to reach a settlement, briefing deadlines will be reinstated, and the Plaintiffs will be required to submit, if they so choose, a supplement to their Response to the Defendant's Motion for Summary Judgment by Monday, October 27, 2003. The Defendant will thereafter have seven days in which to file a Reply. Having agreed in their Response to the Defendant's Motion for

Summary Judgment that they cannot presently substantiate their claims for Wrongful Discharge (Count VIII) and Tortious Interference with Prospective Contractual Relations (Count X), in the event that the Plaintiffs do not file a supplement to their Response to the Defendant's Motion for Summary Judgment, said Motion will be granted as to those counts.

**IT IS SO ORDERED.**

  
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**SENIOR UNITED STATES DISTRICT JUDGE**